

E-Filed: May 18, 2015

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ANDREW MAXWELL; et al.,

No. C14-02643 HRL

Plaintiffs,

**INTERIM ORDER RE MOTION FOR
DEFAULT JUDGMENT**

v.

DJAFFAR CHETOUANE and DOES 1
through 10,

[Re: Docket No. 21]

Defendants.

_____/

Andrew Maxwell, DHMM, LLC, and Susan Imperial sue Djaffar Chetouane for copyright infringement and related claims. Defendant was served in September 2014. Dkt. No. 14. Defendant did not file an answer. Plaintiffs filed a request for entry of default, and the Court entered default. Dkt. No. 20. Plaintiffs now move for default judgment against Defendant. Dkt. No. 21.

The Court has a few concerns with respect to the motion for default judgment that Plaintiffs shall address before the Court decides their motion. First, Plaintiffs do not indicate which claim(s) they move for default judgment on in their motion. Plaintiffs shall indicate which claim(s) they move for default judgment on.

Second, Plaintiffs do not address the factors that a court may consider when deciding whether to grant default judgment, that are laid out in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th

1 Cir. 1986). Specifically, Plaintiffs did not address the merits of their substantive claims or the
2 sufficiency of the complaint. Plaintiffs shall address both of these factors.

3 Third, Plaintiffs do not indicate the amount of damages they seek. For each claim they move
4 for default judgment on, each shall indicate the exact amount of damages sought. Specifically,
5 Plaintiffs shall indicate how much they seek in general damages, compensatory damages, interest,
6 statutory damages, and exemplary and punitive damages, as well as the basis for their calculations.
7 The total amount of damages that each Plaintiff seeks for all the claims shall be clearly indicated.

8 Fourth, for several claims, Plaintiffs seek “general damages,” Plaintiffs shall indicate what
9 they mean by the term “general damages.” Does this encompass out-of-pocket expenses, or
10 something more?

11 Plaintiffs shall file a response within 10 days from the date of this order. The hearing
12 currently set for May 19, 2015, is hereby vacated. The Court may set a new hearing date depending
13 on Plaintiffs’ submissions.

14 **IT IS SO ORDERED.**

15 Dated: May 18, 2015



16 **HOWARD R. LLOYD**
17 UNITED STATES MAGISTRATE JUDGE
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1 **C14-02643 HRL Notice will be electronically mailed to:**

2 Stan Dale Blyth blythlaw@gmail.com

3 **Counsel are responsible for distributing copies of this document to co-counsel who have not**
4 **registered for e-filing under the court's CM/ECF program.**

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